

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 23, 2009

- D054556     Somo et al. v. Jones, Waldo, Holbrook & McDonough, P.C. et al.**  
The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Irion, J.
- D055955     In re Staffiero on Habeas Corpus**  
The petition is denied.
- D056193     Thomas v. Superior Court of San Diego County/People**  
The petition is denied.
- D056248     Landis v. Superior Court of San Diego County/People**  
The petition is denied.
- D055053     People v. Courtney**  
The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Haller, J.
- D056147     In re Chance on Habeas Corpus**  
The petition is denied.
- D054744     In re Alvin D., a Juvenile**  
The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., O'Rourke, J.
- D054212     Page v. MiraCosta Community College District et al.**  
The judgment is reversed. The matter is remanded with directions that the trial court (1) enter an order granting summary adjudication of Page's first and third causes of action for Brown Act violations in District's favor and granting summary adjudication of Page's fourth and sixth causes of action in Page's favor; (2) vacate its order sustaining respondents' demurrers to Page's second cause of action; and (3) enter an order overruling respondents' demurrers to the second cause of action. The parties shall bear their own costs on appeal.  
O'Rourke, J.; We Concur: Huffman, Acting P.J., Aaron, J.
- D054818     In re S.C., a Juvenile**  
The judgment is affirmed. Haller, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.
- D056150     In re Hearn on Habeas Corpus**  
The petition is denied.
- D054409     People v. Fekadu**  
The judgment is affirmed. Nares, Acting P.J.; We Concur: Aaron, J., Irion, J.

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November 23, 2009 (Continued)

- D053620     Howell v. Hamilton Meats & Provisions, Inc.**  
The order is reversed, and the matter is remanded with directions to reinstate the jury's award of economic damages for Howell's past medical expenses in the amount of \$189,978.63 and to enter judgment accordingly. Howell shall recover her costs on appeal. CERTIFIED FOR PUBLICATION.  
Nares, J.; We Concur: Benke, Acting P.J., McIntyre, J.
- D054249     Amcobeauty Corporation v. Armstrong McCall L.P./SD Hair, Ltd.**  
The order of the trial court denying AMCO's motion for a preliminary injunction is affirmed. The order of the trial court granting Armstrong McCall's motion for a preliminary injunction is affirmed as modified.  
Aaron, J.; We Concur: McIntyre, Acting P.J., Irion, J.
- D054819     In re C.F., a Juvenile**  
The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Haller, J.
- D055269     In re Emily F., a Juvenile**  
The order is affirmed. Nares, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.
- D055430     In re Alejandra H., a Juvenile**  
The order is affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.
- D055791     In re G.M., a Juvenile**  
The appeal is dismissed. O'Rourke, J.; We Concur: Nares, Acting P.J., Aaron, J.
- D054262     People v. Ponce**  
The judgment is affirmed. Nares, Acting P.J.; We Concur: O'Rourke, J., Irion, J.
- D053362     People v. Andres**  
The judgment of conviction is affirmed.  
Haller, J.; We Concur: Benke, Acting P.J., Irion, J.
- D053089     Jameson v. Desta**  
The trial court's refusal to enter judgment in favor of Jameson, and the trial court's refusal to award Jameson paralegal fees, are affirmed. The trial court's dismissal of the action is reversed, and the matter is remanded for further proceedings in accordance with our directions in part III.A, ante. The parties are to bear their own costs on appeal. Aaron, J.; We Concur: Nares, Acting P.J., Irion, J.  
CERTIFIED FOR PARTIAL PUBLICATION.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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November 23, 2009 (Continued)

- D053740     Jiang v. Beijing Shihitech Co., Ltd. et al.**  
The August 22, 2008 order is affirmed. Jiang is to bear costs on appeal.  
Aaron, J.; We Concur: Huffman, Acting P.J., McDonald, J.
- D054612     People v. Smeltzer**  
We affirm the trial court's order (1) denying Smeltzer's Penal Code section 851.8 petition to seal court files and destroy arrest records in connection with this case and (2) refusing to return the marijuana that was confiscated by police.  
Benke, Acting P.J.; We Concur: Haller, J., Irion, J.
- D052564     People v. Figueroa**  
The judgment is affirmed.  
Aaron, J.; We Concur: Huffman, Acting P.J., McDonald, J.
- D054700     Luce, Forward, Hamilton & Scripps, LLP v. Ferreira**  
The order of the probate court denying Ferreira's motion to dismiss for lack of personal jurisdiction is affirmed. We find Ferreira's appeal to be frivolous and assess sanctions against him and his attorney, Peter Shenass, jointly and severally, as follows: (1) sanctions in the amount of \$6,600, due and payable to Luce Forward within 30 days of the issuance of the remittitur in this matter; and (2) sanctions in the amount of \$2,500 for the cost to the taxpayers of processing this frivolous appeal, which sum shall be due and payable to the clerk of this court also within 30 days of the issuance of the remittitur. In addition to the award of sanctions, Luce Forward is entitled to its costs on appeal.  
Benke, Acting P.J.; We Concur: Huffman, J., Haller, J.
- D056261     Vahidallah v. Dauphin et al.**  
Hussain D. Vahidallah's "Request for Permission to Appeal" received by this court on November 23, 2009, is denied. (Code of Civ. Proc. § 391.7, subd. (b).) The appeal filed on September 28, 2009, is dismissed.
- D053903     Anderson v. Jew et al.**  
The petition for rehearing is denied.
- D055607     Henderson v. Torres et al.**  
Upon written request filed by appellant Torres only, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D055607     Henderson v. Torres et al.**  
Upon written request filed by appellant Purdy & Brehme, et al. only, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

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- D054009     People v. Indiana Lumbermens Mutual Insurance Company**  
The order is affirmed. Respondent is awarded costs on appeal.  
McConnell, P.J.; We Concur: Haller, J., Aaron, J.
- D053939     Spiegel v. Adams**  
The interlocutory judgment is affirmed. Spiegel is entitled to costs on appeal.  
McConnell, P.J.; We Concur: Nares, J., Aaron, J.
- D054046     In re Marriage of Cornelius**  
The order is reversed. The matter is remanded for further proceedings consistent with this decision. Appellant is awarded costs on appeal.  
McConnell, P.J.; We Concur: Nares, J., McDonald, J.
- D053737     Whitton v. AAAmerican Pacific Manufactured Homes, Inc., et al.**  
We reverse the judgment and the order denying defendants' motion for JNOV and granting their motion to reduce punitive damages. We remand with directions for the trial court to grant defendants' JNOV motion, award Whitton a total of \$2,500 in compensatory damages, redetermine the amount of costs to which he is entitled, and reconsider defendants' motion for a reduction in punitive damages in light of the reduction of compensatory damages. We affirm the order on attorney fees. The parties are to bear their own costs on appeal.  
McConnell, P.J.; We Concur: Nares, J., McDonald, J.
- D055523     In re T.R., a Juvenile**  
**D055823     In re T.R., a Juvenile**  
(Consolidated) The appeal is dismissed.  
Irion, J.; We Concur: Haller, Acting P.J., O'Rourke, J.
- D056263     People v. Meyer**  
The notice of appeal filed on November 10, 2009, and the San Diego Superior Court order dated October 26, 2009, have been read and considered by Presiding Justice McConnell and Associate Justices Nares and Haller. The order is not appealable. The appeal is dismissed.
- D052060     People v. Phillips**  
**D054716     In re Phillips on Habeas Corpus**  
The pending appeal entitled People v. Lanika A. Phillips, Case No. D052060, and the pending writ of habeas corpus, In re Lanika A. Phillips, Case No. D054716, are consolidated for consideration and disposition.

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November 24, 2009 (Continued)

- D052060**    **People v. Phillips**  
**D054716**    **In re Phillips on Habeas Corpus**  
(Consolidated cases) The judgment is affirmed. The petition for writ of habeas corpus is denied. Haller, J.; We Concur: Benke, Acting P.J., Huffman, J.
- D056149**    **In re Rodriguez on Habeas Corpus**  
The petition is denied.
- D053109**    **People v. Pasillas et al.**  
The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., McDonald, J.
- D055544**    **In re Shank on Habeas Corpus**  
The petition is denied.
- D056223**    **In re Lee on Habeas Corpus**  
The petition is denied.
- D056143**    **Crippen v. Superior Court of San Diego County/Monroe**  
The petition is denied.

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- D054965     Kalicki et al. v. Muhe et al.**  
On October 7, 2009, appellant notified this court that the matter had settled. Because appellant has not file a request to dismiss or a letter stating good cause why the appeal should not be dismissed within 45 days of the filing of the notice of settlement, the court orders the appeal dismissed and each side to bear its own costs on appeal. (Cal. Rules of Court, rule 8.244(a)(4).)
- D056198     Hasslinger v. Superior Court of San Diego County/Martin**  
The petition is denied.
- D051315     Personalized Workout of La Jolla, Inc., et al. v. Ravet**  
**D052586     Personalized Workout of La Jolla, Inc., et al. v. Ravet**  
The judgment is affirmed. The parties are to bear their own costs on appeal. O'Rourke, J.; We Concur: Haller, Acting P.J., Irion, J.
- D056116     In re Ramon Del Rio on Habeas Corpus**  
The petition is denied.
- D053753     Lewis v. Pacific Bell Directory et al.**  
The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Irion, J.
- D054567     People v. Garza**  
The judgment is affirmed.  
Irion, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.
- D053135     Cade et al. v. Nelson et al.**  
The judgment is affirmed. The respondents are entitled to costs on appeal. McConnell, P.J.; We Concur: Benke, J., Nares, J.
- D056020     Fire Insurance Exchange v. Superior Court of San Diego County/Leech**  
At the request of the petitioner, the petition for writ of mandate is dismissed.
- D056309     City of San Diego et al. v. Superior Court of San Diego County/Meza**  
The petition is denied.
- D056287     In re Higgins on Habeas Corpus**  
The petition is denied.
- D056293     San Diego County Office of Education et al. v. Superior Court of San Diego County/Hartnell**  
The petition is denied.

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- D055951     In re Wallach on Habeas Corpus**  
The petition is denied.
- D056277     LaBadie v. Hanna et al.**  
The petition is denied.
- D056279     In re Willie Harris III**  
The petition is denied.

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November 26, 2009

Court Holiday

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
November 27, 2009

Court Holiday